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SERIAL NUMBER: 07/3087210 FILING DATE: 02/08/89 FIRST NAMED INVENTOR: BURROUGHS J. CLASSIFICATION: 978601001

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114

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02/09/90

☐ This application has been examined ☒ Responsive to communication filed on 1/10/90 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ \_\_\_\_\_

Part II SUMMARY OF ACTION

1. ☒ Claims 1-33 are pending in the application.

Of the above, claims 14-33 are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-13 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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Claims 14-33 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in Paper No. 5.

It is noted that applicants elected the invention of Group I, claims 1-13 and 16-24 for prosecution and also elected a single species listed as #1 drawn to the liquid crystal indicator; however, applicants failed to list all the claims which are readable thereon as required. Claims 1-13 are considered to be the claims which are readable on both the elected invention and elected species.

Claims 3-7 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claimed combination is indefinite with respect to the subsection (c). Connecting the first conductive means to the battery and the second conductive means to the indicator does not establish a completed circuit operable to function in the manner set forth in the description.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. § 102(b) as being


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obviously anticipated by Marko.

Claims 1-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Mullersman et al in view of Kiernan et al and Marko. Mullersman et al disclose a battery with liquid-crystal battery-strength indicator (see Abstract). Mullersman et al does not specifically disclose the use of current conductive means which may be attached to the battery terminals and in contact with the indicator means as a testing arrangement. Kiernan et al disclose a conductive means which are attachable to the battery terminals in a switching operation and in contact with a liquid-crystal indicator means (col. 3, lines 1-23). Marko discloses a battery-test combination where leads from the indicator draw current from the battery terminals when a switch in the circuit is engaged (see Fig. 2). It would have been obvious to one having ordinary skill in the art to provide Mullersman et al's indicator with terminal connector leads to allow intermittent testing of the battery condition when considered in light of Kiernan et al and Marko's indicators. Substitution of other known materials known to change color under applied voltages would be obvious to the artisan and would produce only the expected results.



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All claims are rejected.

Bertolino and Eckert are cited to show other test or control signals for batteries.

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February 1, 1990  
703-557-3592

  
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PRIMARY EXAMINER  
GROUP 110 - ART UNIT 114

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